

Message Text

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EXCON

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TAGS: ESTC, COCOM

SUBJ: REVISED GENERAL EXCEPTIONS PROCEDURE

REFS: A. OECD PARIS 6290

B. COCOM DOC PROC(73)5

C. COCOM DOC PROC(73)7

1. REVISION ARRIVED AT MARCH 13 IS GENERALLY ACCEPTABLE AND SHOULD BE REASONABLY WORKABLE COMPROMISE. OUR ONLY REMAINING PROBLEMS RELATE TO UK- PROPOSED GUIDELINES (REF. B). WHILE GENERAL CONCEPT OF GUIDELINES ACCEPTABLE, WE HAVE THE SPECIFIC DIFFICULTIES NOTED BELOW.

2. DEL AUTHORIZED TO LIFT AD REF ON INSERTION OF WORD " THEN" IN PARA 4(A)(II) (REF. A, PARA 3 B), AS WELL AS ON PROVISION FOR URGENCY CASES IN PROPOSED PARA 4(B)(II) (REF. A, PARA 3 F), AND ON SUBSTITUTION OF PARA (VI) OF TEMPORARY PROCEDURE FOR US- PROPOSED PARA (IV) (REF. A PARA 3 D).

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3. FOLLOWING ARE OUR COMMENTS ON PROPOSED GUIDELINES IN REF B AS AMENDED AT MARCH 13 MEETING:

(A) ON HEADING, WE CAN ACCEPT ANYTHING COMMITTEE WORKS OUT AS COMPROMISE TO SATISFY VARNOUX(REF. A, PARA 6). HOWEVER WE AGREE WITH DEL' S DESIRE TO MAINTAIN PRESSURE ON HIM TO SUBMIT WRITTEN STATEMENTS. WE ALSO NOTE THAT HEADING AND

PARA A OF REVISED TEMPORARY PROCEDURES CONTAIN SAME LANGUAGE TO WHICH HE IS OBJECTING.

(B) WHAT IS SIGNIFICANCE OF UK OMISSION OF FIRST PART OF PARA B(3) OF GUIDELINES TO TEMPORARY PROCEDURE? UNLESS THAT POINT IS COVERED ELSEWHERE WE WISH TO SEE IT RETAINED. ITS ELIMINATION IMPLIES DIFFERENT DEADLINES FOR DIFFERENT RESERVING DELEGATIONS-- SOMETHING THE UK EARLIER UNSUCCESSFULLY PUSHED FOR.

(C) WE WOULD PREFER TO SEE PARA 4 (REF. B GUIDELINES) DELETED ENTIRELY NOW THAT ITS CHIEF PURPOSE IS MET BY REINSERTION OF 90- DAY PROVISION IN PROCEDURE ITSELF. WORDING UK HAS PROPOSED IS LARGELY SUPERFLUOUS AND WE FEAR IT WILL MERELY SERVE TO CREATE CONFUSION. FYI IN ADDITION, WE HAVE ACCEPTED IN PARA (B)(III) OF PROCEDURE THE CONCEPT THAT SUPPLEMENTARY QUESTIONS SHALL BE WITHIN FRAME- WORK OF ORIGINAL ONES AND DO NOT WISH TO SEE IT FURTHER STRENGTHENED BY THIS WORDING. END FYI THE AMENDMENT PROPOSED BY UKDEL AT THE MEETING (REF. A, PARA 3 D) ACTUALLY APPEARS TO CONTRADICT THE PROCEDURE ITSELF SINCE IT IMPLIES THAT NO QUESTIONS MAY BE POSED AFTER THE EXPIRATION OF 90 DAYS, WHEREAS IN FACT THE 90- DAY PERIOD DOES NOT RUN AS LONG AS QUESTIONS ARE OUTSTANDING.

(D) RE PROPOSED NEW PARA 5 OF GUIDELINES (REF. A PARA 3 G), WE CAN ACCEPT CONCEPT THAT, AS MATTER OF PROCEDURE, IT IS RESPONSIBILITY OF INVOKING DEL TO APPROACH SUB- MITTING DEL FOR PURPOSE OF ARRANGING MUTUALLY AGREEABLE EXTENSION. WORDING WOULD BE MORE ACCEPTABLE WISH " TO SEEK ARRANGE" REPLACED BY " WITH A VIEW TO ARRANGING". HOWEVER, CONCEPT THAT THIS MUST ALWAYS BE FOR A SPECIFIED TIME PERIOD IS NOT ACCEPTABLE SINCE IT RE- INTRODUCES SOME OF CONFIDENTIAL

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THE OBJECTIONABLE FEATURES OF THE ORIGINAL UK PROPOSAL.

AS WE HAVE REPEATEDLY SAID, WE DO NOT EXPECT THIS
CIRCUMSTANCE TO ARISE VERY OFTEN, BUT WHEN IT DOES IT WILL
BE ON EXCEPTIONALLY DIFFICULT CASES. WE CANNOT ACCEPT
BEING FACED WITH SERIES OF DEADLINES WHEN WE ARE
TRYING TO RESOLVE SUCH CASES AT HIGH LEVEL. THIS IS A
MATTER THAT SHOULD BE WORKED OUT ON A BILATERAL BASIS IN
EACH CASE IN THE LIGHT OF THE FACTS OF THAT CASE. SILENCE
ON POINT IN PROCEDURES DOES NOT PRECLUDE FINITE PERIODS IN
INDIVIDUAL CASES- VARNOUX SHOULD BE ABLE TO APPRECIATE
OUR POSITION IN THE LIGHT OF THE ULTIMATE FAVORABLE OUTCOMB
ON INS. ROGERS

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